

REMARKS/ARGUMENTS

Claims 1-and 8-22 are pending in the application. Claims 1-20 have been rejected by the Examiner. Claims 1 and 10 stand rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,332,133 to Takayama. These rejections are respectfully traversed.

In regards to the rejection of claims 1 and 10 under 35 U.S.C. 101, those claims produce a useful, concrete and tangible result, and are therefore directed to statutory subject matter. As discussed in the background of the invention, prior art correlation of transaction data with payment data required manual processing, because such records were not stored in a single system in which the transaction data could be correlated with payment data. Transaction data records and payment data records were stored in different locations and in different formats, such that it was not possible to correlate one data table entry in the transaction data with at least one data table entry in the payment data. Furthermore, it was not obvious how to resolve this problem, as payment systems do not allow access to their records and store their records in different formats. The invention of claims 1 and 10 thus provides the useful, concrete and tangible result of correlating one data table entry in the transaction data with at least one data table entry in the payment data, which was previously not available using prior art systems and had to performed manually using time-intensive and expensive manual processes. Withdrawal of the rejection of claims 1 and 10 under 35 U.S.C. 101 is therefore respectfully requested.

Takayama fails to provide a prima facie basis for the rejection of claims 1-5 and 8-22 because it fails to disclose each element of the claimed inventions. Consider claim 1, as amended, which includes a system for processing electronic payment transaction data comprising a front-end system to receive transaction data from one or more merchants, a back-end system to receive payment data from two or more payment systems; and means for correlating at least one data table entry in the transaction data with at last one data table entry in the payment data. As admitted by the Examiner, Takayama does not disclose correlating at least one data table entry in the transaction data with at last one data table entry in the payment data. Furthermore,. Takayama could not be modified in the manner suggested by the Examiner, because it does not store transaction data and payment data. As stated in the abstract of Takayama, "the payment means and the settlement means exchange transaction data by communicating with each other, it

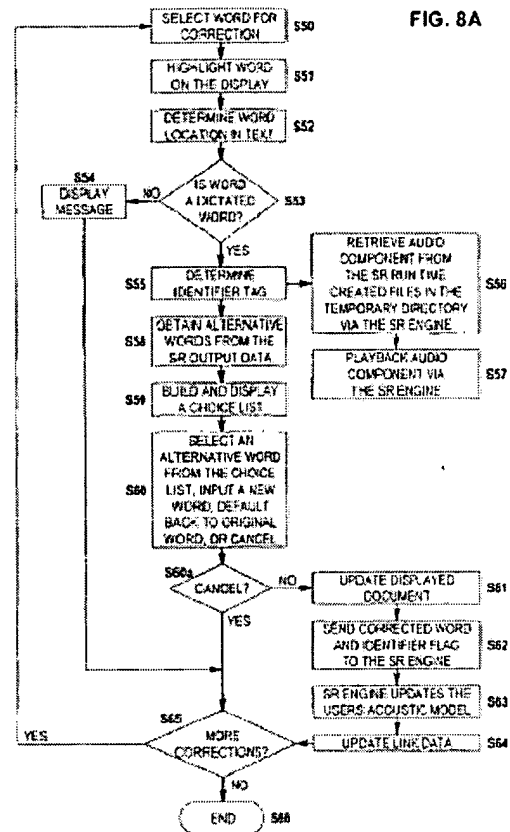
is possible to prevent the assessment of an illegal charge by the charging means.” As such, modification of Takayama to allow correlating at least one data table entry in the transaction data with at least one data table entry in the payment data is in fact prohibited by Takayama, in order to prevent the assessment of an illegal charge.

It is further noted that claim 1, as amended, includes “means for correlating at least one data table entry in the transaction data with at least one data table entry in the payment data,” which is presented in means plus function format to invoke the provisions of 35 U.S.C. 112(6). Controlling Federal Circuit precedent requires in “a means-plus-function claim in which the disclosed structure is a computer, or microprocessor, programmed to carry out an algorithm, ***the disclosed structure is not the general purpose computer, but rather the special purpose computer programmed to perform the disclosed algorithm.***” *WMS Gaming, Inc. v. Int’l Game Technology*, 184 F.3d 1339, 1349 (Fed. Cir. 1999). (Emphasis added.)

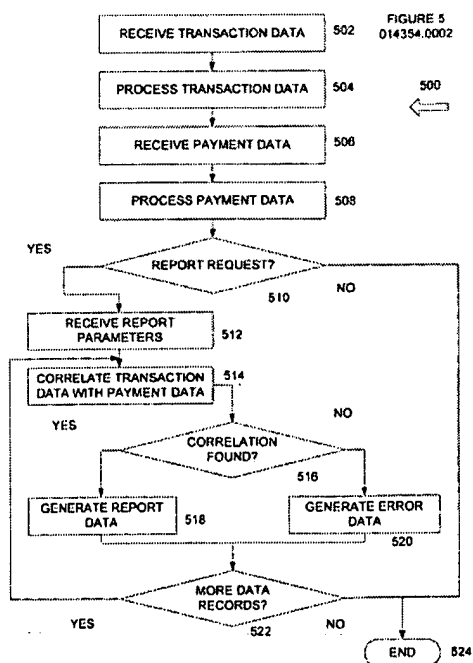
Further recent guidance from the Federal Circuit confirms that flowchart algorithms and other data structures are the proper structure for means plus function claims drawn to special purpose computers. In *Allvoice Computing v. Nuance Comm.*, 504 F.3d 1236, 1245 (Fed. Cir. 2007), data structures such as those shown in Figures 5 through 11 and flowchart algorithms such as those in Figure 4 of the pending application were held to provide sufficient structure for such means plus function limitations. Of particular relevance, data structures and flowchart algorithms reproduced in the Federal Circuit’s opinion are provided here for reference:

IDENTIFIER TAG	AUDIO START	AUDIO END	ALTERNATIVE WORDS AND SCORES
1	0	199	File W1a File W1b File W1c ...
2	199	324	File W2a File W2b File W2c ...
3	324	361	...
4	361	...	
5	...		
...			

FIG. 3



Exemplary flow chart algorithms of Figure 5 of the pending application are reproduced below for convenience:



It is clear from comparing the data structures and flowchart algorithms from *Allvoice Computing* with the data structures and flowchart algorithms in the pending application that such data structures and flowchart algorithms provide the structure when means plus function limitations are invoked for software-implemented inventions. Takayama fails to disclose structure corresponding to the structure of the means plus function element of claim 1. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claim 2 includes the system of claim 1 wherein the reporting system further comprises a data display system to display at least one data field from the transaction data table entry with at least one data field from the payment data table entry. Although the Examiner asserts that Takayama discloses this element, in light of the admission that Takayama fails to disclose correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, it is difficult to understand how Takayama could disclose a data display system to display at least one data field from the transaction data table entry with at least one data field from the payment data table entry. Accordingly, withdrawal of the rejection of claim 2 is respectfully requested.

Claim 3 includes the system of claim 1 wherein the front-end system further comprises a transaction detail system to receive one or more of the group comprising rental pickup date, rental return data, rental agreement data, and rental agreement value. The term “rental” is not even used in Takayama, so it is simply not possible for Takayama to disclose this claimed invention. Accordingly, withdrawal of the rejection of claim 3 is respectfully requested.

Claim 4 includes the system of claim 1 wherein the front-end system further comprises a fuel transaction system to receive one or more of the group comprising vehicle identification data, odometer data, and driver data. The terms “fuel,” “vehicle,” “odometer” and “driver” are not even used in Takayama, so it is simply not possible for Takayama to disclose this claimed invention. Accordingly, withdrawal of the rejection of claim 4 is respectfully requested.

Claim 5 includes the system of claim 1 wherein the front-end system further comprises a restaurant transaction system to receive one or more of the group comprising tip data, employee number, food transaction identifier, and beverage transaction identifier. The terms “restaurant,” “tip,” “employee,” “food” and “beverage” are not even used in Takayama, so it is simply not possible for Takayama to disclose this claimed invention. Accordingly, withdrawal of the rejection of claim 5 is respectfully requested.

Claims 6-7 have been cancelled without prejudice or waiver.

Claim 8 includes the system of claim 1 wherein the back-end system further comprises a deposit correction system to receive one or more of the group comprising processing date, batch identification, outlet identification, deposit correction notice, exception code number, merchant outlet number, transaction identification number, loaded date, control identification number. The term “deposit” is not even used in Takayama, so it is simply not possible for Takayama to disclose this claimed invention. Accordingly, withdrawal of the rejection of claim 8 is respectfully requested.

Claim 9 includes the system of claim 1 wherein the back-end system further comprises a reversal system to receive one or more of the group comprising case number, iteration number, sequence number, reversal date, chargeback amount field, chargeback date field, chargeback reason identification, acquirer reference number, original reference number, outlet identification, card brand, transaction date, and loading date. The term “reversal” is not even used in Takayama, so it is simply not possible for Takayama to disclose this claimed invention. Accordingly, withdrawal of the rejection of claim 9 is respectfully requested.

Claim 10 includes a method for presenting transaction data comprising receiving transaction data generated by one or more merchants, receiving payment data generated by two or more payment systems, and correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. As previously discussed, the Examiner admits that Takayama fails to disclose correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, and Takayama could not be modified to perform that step, as the system of Takayama keeps transaction data and payment data separate to prevent the assessment of an illegal charge. Accordingly, withdrawal of the rejection of claim 10 is respectfully requested.

Claim 11 includes the method of claim 10 further comprising displaying at least one data field from the transaction data table entry with at least one data field from the payment data table entry. As previously discussed, the Examiner admits that Takayama fails to disclose correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, and Takayama could not be modified to perform that step, much less to display at least one data field from the transaction data table entry with at least one data field from the payment data table entry, as the system of Takayama keeps transaction data and payment data

separate to prevent the assessment of an illegal charge. Accordingly, withdrawal of the rejection of claim 11 is respectfully requested.

Claim 12 includes the method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one transaction detail data field. As Takayama fails to disclose correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, and Takayama could not be modified to perform that step, Takayama could not be modified to display at least one transaction detail data field. Accordingly, withdrawal of the rejection of claim 12 is respectfully requested.

Claim 13 includes the method of claim 11 wherein displaying at least one data field from the transaction data table entry comprises displaying at least one fuel transaction data field. As previously discussed, the term “fuel” is not even used in Takayama, such that Takayama could not possibly disclose the invention of claim 13. Accordingly, withdrawal of the rejection of claim 13 is respectfully requested.

Claim 14 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one payment transactions data field. As Takayama fails to disclose correlating at least one data table entry in the transaction data with at least one data table entry in the payment data, and Takayama could not be modified to perform that step, Takayama could not be modified to display at least one payment transactions data field. Accordingly, withdrawal of the rejection of claim 14 is respectfully requested.

Claim 15 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one disposition data field. The term “disposition” is not even used in Takayama, such that Takayama could not possibly disclose the invention of claim 15. Accordingly, withdrawal of the rejection of claim 15 is respectfully requested.

Claim 16 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one deposit correction data field. The term “deposit” is not even used in Takayama, such that Takayama could not possibly disclose the invention of claim 16. Accordingly, withdrawal of the rejection of claim 16 is respectfully requested.

Claim 17 includes the method of claim 11 wherein displaying at least one data field from the payment data table entry comprises displaying at least one reversal data field. The term

“reversal” is not even used in Takayama, such that Takayama could not possibly disclose the invention of claim 17. Accordingly, withdrawal of the rejection of claim 17 is respectfully requested.

Claim 18 includes a system for reporting electronic payment transaction data comprising a transaction system that receives front-end transaction data from one or more merchant systems and payment data from one or more payment systems, and a reporting system that correlates at least one data table entry in the transaction data with at least one data table entry in the payment data. Curiously, the Examiner does not admit that Takayama fails to disclose a reporting system that correlates at least one data table entry in the transaction data with at least one data table entry in the payment data, even though the Examiner has previously admitted that Takayama fails to disclose correlating at least one data table entry in the transaction data with at least one data table entry in the payment data. The Applicants believe that the Examiner was correct in regards to the failure of Takayama to disclose limitations of claims 1 and 10, as the section of Takayama cited by the Examiner fails to disclose a reporting system that correlates at least one data table entry in the transaction data with at least one data table entry in the payment data. Nor could Takayama be modified to provide the invention of claim 18, as such modification is prevented in order to prevent the assessment of an illegal charge. Accordingly, withdrawal of the rejection of claim 18 is respectfully requested.

Claim 21 includes the system of claim 1 further comprising means for receiving a report request. Claim 22 includes the system of claim 1 further comprising means for generating transaction detail data. As previously discussed, these claims are presented in means plus function format to invoke the provisions of 35 U.S.C. 112, paragraph 6, and Takayama fails to disclose the corresponding structure for these means plus function elements. Accordingly, allowance of claims 21-22 is respectfully requested.

CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejection and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the Examiner is hereby requested by the undersigned at (214) 953-5990 so that such issues may be resolved as expeditiously as possible.

No fee is believed due with this response. However, the Commissioner is authorized to charge any fee or credit any refund to the Deposit Account No. 10-0096.

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Respectfully submitted,

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